



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report
Zoning Ordinance Text Amendment
Z-TA-6-17
January 31, 2018

Application No Z-TA-6-17: Amend the following sections of the Phoenix Zoning Ordinance regarding group homes, community residences, and associated uses and regulations:

Section 202 (Definitions), Section 311 (Disability Accommodation Committee), Section 603.A. (Suburban S-1 District—Ranch or Farm Residence), Section 605.A. (Residential Estate RE-43 District—One-Family Residence), Section 606.A. (Residential Estate RE-24 District—One-Family Residence), Section 608. (Residence Districts), Section 615.C. (R-3 Multifamily Residence District), Section 616.C. (R-3A Multifamily Residence District), Section 617.C. (R-4 Multifamily Residence District), Section 618.D. (R-5 Multifamily Residence District), Section 619.A. (Residential R-4A District—Multifamily Residence—General), Section 620.B. (Residential Office R-O District—Restricted Commercial), Section 622.D. (Commercial C-1 District—Neighborhood Retail), 642. (Urban Residential (UR) District), Section 646. (Capitol Mall Overlay District), Section 647.A.1. (Special Permit Uses), Section 649. (Mixed Use Agricultural (MUA) District), Section 658. (Deer Valley Airport Overlay (DVAO) District), Section 701.E. (Separation Requirements—Registration), Section 702. (Off-Street Parking and Loading), Section 1204. (Land Use Matrix, Downtown Code), Section 1306. (Land Use Matrix, Walkable Urban Code), and Section 1307. (Parking standards, Walkable Urban Code).

Staff recommendation: Staff recommends approval of Z-TA-6-17 as shown in the recommended text in Exhibit A for the following reasons:

1. Limits unstructured and unlicensed group homes with six to 10 residents in residential districts (group homes and boarding houses are not permitted in single-family districts).
2. Strengthens the disability accommodation administrative review to further discourage clustering of community residences.
3. Seeks to impose limits on the number of individual multifamily units that can be used for one to five resident homes without requiring that the community residence center regulations be met.
4. Creates a Disability Accommodation Committee to review and provide a decision on disability accommodation requests.

5. Creates the opportunity for written public input as part of the disability accommodation review process.
6. Clarifies terminology and regulations

Purpose: Update zoning regulations related to group homes for individuals with disabilities, including sober living homes, based on input received from the Group Home Working Committee and national group home expert consultant, Daniel Lauber.

Background: On June 21, 2017 the Phoenix City Council approved text amendment Z-TA-22-08 related to group facilities. The text amendment updated outdated terminology and associated regulations; and provides a disability accommodation provision in the Zoning Ordinance to ensure compliance with the federal Fair Housing Act and Americans with Disabilities Act. As part of these efforts, City Council recommended that staff further evaluate regulations for group homes and form the Group Home Working Committee to work with a broad range of stakeholders, discuss improvements and gather input on the city's ordinances and policies regarding sober living and other residential care homes.

The Federal Fair Housing Act (FHA), Title VIII of the Civil Rights Act of 1968, prohibits discriminatory practices in housing based on race, color, sex, religion, national origin or familial status. The FHA was amended by Congress in 1988 to extend protections to persons with disabilities. This is the legal basis for why cities are required to ensure that individuals with disabilities are not discriminated against. The Joint Statement of the Department of Justice and the Department of Housing and Urban Development states that "...state and local land use and zoning laws or practices that may violate the Act include...imposing restrictions or additional conditions on group housing for persons with disabilities that are not imposed on families or other groups of unrelated individuals."

A separate license program is proposed by the City Clerk Department to administer licensing for Structured Sober Living Homes per Section 9-500.40(C), Arizona Revised Statutes. These two items (updates to zoning regulations and the licensing program) together are part of the Group Home Comprehensive Improvement Package that staff will bring to City Council by the end of March 2018.

Proposal: Staff recommends several updates based on input received from the Group Home Working Committee and the city's consultant. In general, the proposed recommendation includes updates to definitions, zoning and parking standards, as well as disability accommodation provisions. Exhibit B provides a summary of the proposed staff recommendations. The proposed changes are detailed as follows:

1. **Definitions (Section 202):**

Adult Day Care Home

The definition for *adult day care home* is being modified to correct the reference to a required license from the State. Arizona Department of Health Services staff stated that not all small-scale adult day care homes would require licensing from the State. The State would only require licensing if specific services were provided such as dispensing of medications.

Community Residence Home and Center

The terms *assisted living home*, *residential care home* and *sober living home* are proposed to be replaced with *community residence home*; and *assisted living center* and *residential care center* with *community residence center*. This is proposed to regulate all group homes and institutions for individuals with disabilities the same, including structured sober living homes. The proposed definition is based on information provided by the group home expert consultant and is similar to how other jurisdictions treat these uses.

A provision has been added to the definition of a community residence center to include multifamily properties or developments where all or a portion of the units are exclusively reserved for persons with disabilities and function as a group home, rather than a traditional multifamily residential environment. Staff evaluated several scenarios where known community residences and group homes operate in multifamily developments. They typically operate with less than five residents per unit, and utilize all of the units in a small multifamily development, or have multiple units in a larger multifamily development. The 20% threshold was determined to be reasonable in identifying if the development took on a more institutional character, rather than a traditional single or multifamily environment.

Group Home and Boarding House

Staff is also proposing to update definitions for *group home* and *boarding house*. The *group home* definition is modified to allow some limited services. An example of this use would be veterans housing where limited services are typically provided such as, access to health care and mental assessments/treatments; and employment and life skills training. A *boarding house* is modified to differentiate from a group home. This form of housing would not include any services.

Both definitions were updated to apply to both single-family homes and multifamily developments. A group home or boarding house in a single-family home environment would have more than five unrelated persons in the home. In a multifamily environment there may be no more than five unrelated persons per unit, however due to the concentration of these units and services that may be provided, the housing type functions commensurate to an institutional setting rather than a single or multifamily setting.

The reference in the definition related to “a permit issued by the appropriate government agency as a boarding house” is proposed to be deleted. The only permit

available is due to a food service requirement administered by the Maricopa County Environmental Services Department. It is only required for dwelling establishments that also operate a food establishment where food is provided to patrons along with resident accommodations.

Block Face

The term *block face* is proposed to discourage clustering of community residences and establishes a definition for one side of a block between two streets or other significant features. Block face will be used in the administrative staff review section for disability accommodation requests (Section 701.E.3.a.(2)).

Oxford House

An *Oxford House* is a specific type of sober living home that is sanctioned by congress. The purpose of adding the definition is to treat them as community residence homes. There are none existing in the Phoenix area at this time, however if any are proposed in the future the definition would allow them as a community residence home, and not require licensing as a structured sober living home since their operational structure is the functional equivalent to licensing.

Structured Sober Living Home

The proposed definition for *structured sober living home* matches the State definition in Section 9-500.40 of the Arizona Revised Statutes. This is proposed to require specific parking standards for this type of community residence home, since the population in a structured sober living home is typically ambulatory and has a high probability of having more cars than a traditional single-family home.

2. Regulations in Zoning Districts and Parking (Chapters 6, 7, 12, and 13):

Separation Distance

There is currently a 1,320-foot separation distance required for assisted living, residential care, and sober living homes with six to 10 residents. This same separation distance is proposed for community residence homes with six to 10 residents. Additionally, the same separation requirements will be required for all group homes and boarding houses. The following table shows a comparison of separation distance requirements for eight U.S. cities:

City	Separation Distance
Avondale, AZ	0 feet - Group homes permitted in all residential districts, no separation required. 1,320 feet - Only required for assisted living centers which are not permitted in single-family zoning, but are permitted with use permit in multifamily, residential office, and commercial office zoning.
Prescott, AZ	800 feet for community residence
Scottsdale, AZ	1,200 feet
Tucson, AZ	1,200 feet (Rehabilitation Service and Shelter Care only)
Glendale, AZ	1,320 feet
San Diego, CA	1,320 feet
Toledo, Ohio	500 feet + no two homes shall be on the same block (group living and day care) 2,000 feet + no two homes shall be on the same block (halfway house)
San Antonio, TX	2,640 feet (does not include assisted living)

The Capital Mall Overlay District currently requires 1,500 feet separation between group homes due to the historically high concentrations of the region's homeless shelters, group homes, and related social service providers that justifies the increased spacing. There are no changes proposed to the existing separation requirement.

Community Residence Home (1 – 5 and 6 – 10 residents)

All provisions for assisted living, residential care, and sober living homes are proposed to be replaced with community residence homes. No changes are proposed for the related conditions which include:

- Allowing up to five residents by right, based on the definition of a family.
- For six to 10 residents the following applies:
 - Registration required.
 - 1,320-foot separation from other community residence homes with six to 10 residents.
 - Disability accommodation provision.

Community Residence Center (11 or more residents)

All provisions for assisted living and residential care centers will be replaced with community residence centers. Additional conditions are proposed for community residence centers in multifamily districts. The conditions include:

- Registration required.
- 1,320-foot separation from other community residence homes with six to 10 residents or centers within a residential zoning district.
- Disability accommodation provision.

Group Home

Provisions for group homes are consistent with those proposed for community residence centers, other than the disability accommodation provision. This provision is not explicitly stated, because a group home population may not necessarily be considered disabled. However, should this be the case then a disability accommodation request would still be evaluated and processed.

Currently group homes are allowed in single-family zoning districts with a Special Permit and in most multifamily zoning districts with a use permit. The same zoning district regulations would apply, and additionally the following conditions are proposed:

- Registration required.
- 1,320-foot separation from other community residence homes with six to 10 residents, group homes, boarding houses, and community residence centers within a residential zoning district.
- Disability accommodation provision.

A major change is proposed to the R-5 Multifamily Residence District. The existing Zoning Ordinance allows group homes by-right in the R-5 Multifamily Residence District. Staff is proposing to require the use permit and conditions to be consistent with the other multifamily districts. The intent is to not allow group homes greater five

residents within single-family residential zoning districts, however allow them with conditions and a use permit in multifamily zoning districts.

As referenced previously, there is an existing Special Permit provision in the Zoning Ordinance (Section 647) that allows group homes in any zoning district subject to a Special Permit. This provision is proposed to remain, however the registration and separation is proposed to be consistent with the multifamily zoning district standards.

Group home has been added to the C-1 Commercial District. It is not currently listed as an allowed use; however, it is considered allowed by-right as carried over from the current R-5 zoning district provisions.

Boarding House

All proposed provisions for boarding houses are consistent with those proposed for group homes. A boarding house is differentiated from a group home based on whether there are services provided. A group home will house six or more unrelated individuals with minimal services, while a boarding house will also house six or more unrelated individuals without any services. Staff proposed to allow boarding houses only in multifamily districts, subject to a use permit and the 1,320-foot separation requirement.

Downtown Code and Walkable Urban Code

All changes proposed in the Downtown Code (Chapter 12) and Walkable Urban Code (Chapter 13) of the Zoning Ordinance are consistent with changes proposed in both the single and multifamily zoning districts.

Parking

Confusion exists regarding the current parking standards for assisted living centers (11 or more residents) and whether they apply to assisted living homes (one to 10 residents). This is due to the formatting, which has been fixed and will only apply to community residence centers (11 or more residents). The parking standards for community residence centers, one parking space per two beds, should not apply to community residence homes (one to 10 residents). The parking standards for homes should not differentiate from a single-family home due to the following reasons:

- A community residence home should be treated the same as family per the Fair Housing Act,
- Community residence homes typically do not have a high volume of traffic or parking demand, as many of the residents are not likely to drive, and
- Parking requirements up to the community residence center's standards may alter the residential character of a neighborhood.

Boarding house was also added to the parking table to be consistent with group homes and community residence centers. These same updates have also been made to the parking standards in the Walkable Urban Code.

A new parking standard is proposed for structured sober living homes to require a minimum of four parking spaces. Two of those spaces may be located within the

required front yard setback (i.e. driveway), while the other two will be required outside of the required front yard setback (i.e. garage or side yard). As previously mentioned, this is proposed specifically for structured sober living homes, since the population in a structured sober living home is typically ambulatory and has a high probability of having more cars than a traditional single-family home.

3. Updates to Disability Accommodation Provisions (Sections 311 and 701):

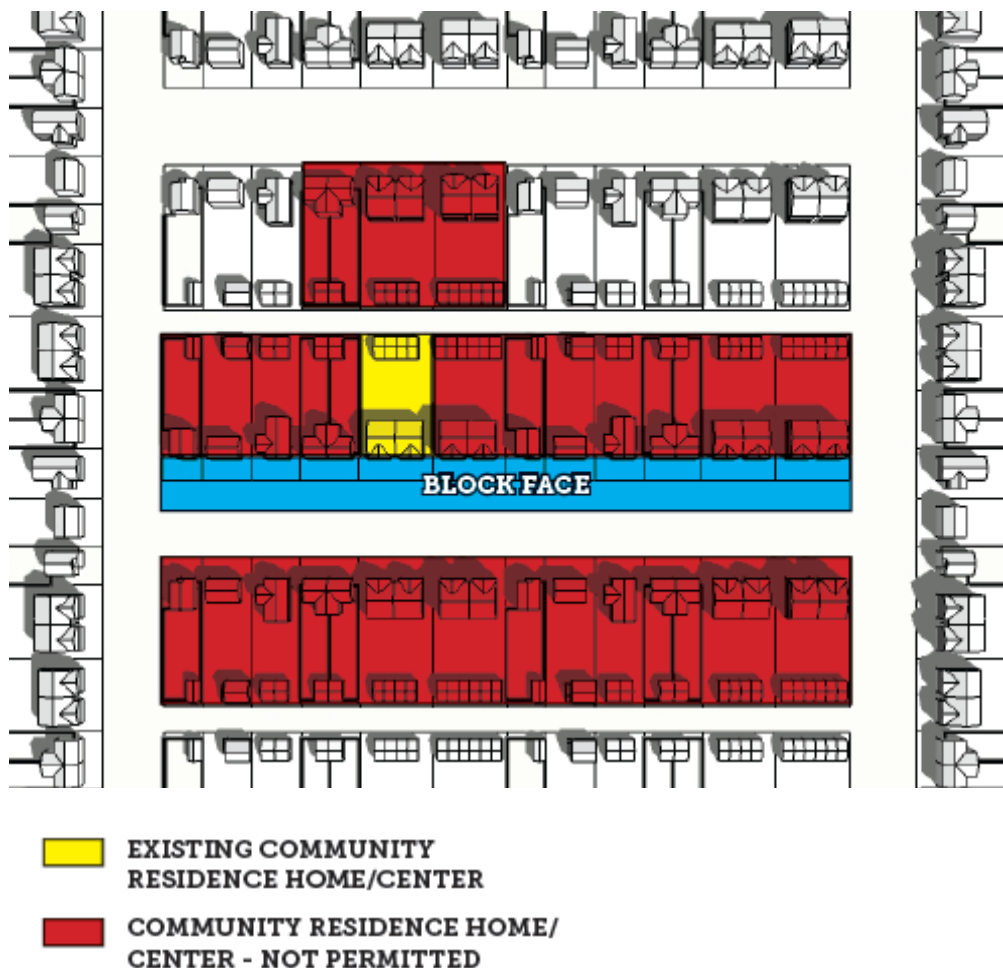
The Joint Statement of the Department of Justice and the Department of Housing and Urban Development states that the Fair Housing Act, prohibits the refusal “to make reasonable accommodations to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling.” A provision for requests for reasonable accommodations (“disability accommodations”) was introduced in the previous Group Facilities Text Amendment approved in 2017 to ensure equal access to housing for individuals with disabilities. However, the adopted standards only included provisions for disability accommodations based on the separation standards. The required separation allows for the dispersal of registered care homes to discourage clustering that might create a de facto institutional environment. In some situations, allowing a registered care home/community residence to locate within the required spacing area may not contribute to a clustering issue due to other physical features that may exist, such as a canal or freeway. Objective criteria were adopted in order to make determinations on requests for a disability accommodation. If the request is not met, then the Planning and Development Department Director would make the final determination and may consider other factors, such as proximity to public transportation and/or health services. These provisions were previously adopted because the city has a much greater spacing requirement of 1,320 feet compared to most cities.

The disability accommodation administrative review allows the flexibility to evaluate a larger half mile area for potential clustering issues and consider other physical features that may deter clustering. Several updates are proposed to this section and a new related section is proposed to administer the changes:

- New Headers
New headers are proposed for clarity. This includes updating Section 701 E. Separation Requirements—Registration heading to include disability accommodations. The two types of disability accommodations are proposed with new headers: 1) Administrative/Staff Review, and 2) Disability Accommodation Committee.
- Half Mile Area
One resident questioned how the half mile area is interpreted regarding the administrative disability accommodation provision. The proposed language clarifies that the half mile area is measured from the property boundary of the proposed community residence.

- Clustering

The current administrative disability accommodation provision also lacks the ability to discourage clustering within the half mile area. A new condition is proposed to not allow community residence homes or centers to locate on the same block face, abutting to the rear or catty-corner (including lots separated by an alley), or across the street from a block face with a proposed or existing community residence home or center as an existing or proposed community residence home. This provision addresses an area that residents had expressed concerns with because the current provision would allow two community residence homes to locate next to each other or on the same cul-de-sac as long as there were five or less community residence homes within the half mile area.



- Applicability of Disability Accommodation Standards

Since registration and separation standards are now proposed with community residence centers, all disability accommodation standards will apply as well. Centers located in commercial zoning districts will not be included in the separation requirement evaluation. Additionally, for homes, only other homes will be considered and not centers. The reasoning for this is

that it would not be permissible to include activity happening in a commercial district that allows other intense uses. The separation requirement is to preserve the residential character by spaces the uses apart.

- Disability Accommodation Requests
Federal law requires that the city have a reasonable accommodation process to address claims of discriminatory regulations and actions. The existing process focuses heavily on the 1,320-foot separation requirement and the administrative review process. The proposed amendment strengthens the administrative process, adds public notice, clarifies the overall accommodation process and creates a Disability Accommodation Committee as outlined below.
- Disability Accommodation Committee
There has been concerns that the Department Director is currently the final decision maker on disability accommodation requests. This text amendment proposes a Disability Accommodation Committee. The committee will consist of five members including, the Directors of the Planning and Development, Neighborhood Services, and Equal Opportunity Departments, or their designees; as well as two additional members appointed by the Mayor. The committee will provide written decision to the Department Director, who will convey the information to the applicant. If the committee does not make a decision within 60 days, the Planning and Development Department Director will make the decision.
- Disability Accommodation Committee Public Notice
There has also been concerns that there is no ability for public input as part of the disability accommodation review process. A public notice requirement is proposed so that neighboring properties and registered neighborhood associations in the area will have the opportunity to provide written input on the disability accommodation request. Public notice criteria and detailed procedures will be outlined in the Disability Accommodation Procedures and Application Packet. The provisions for the committee are proposed in a new Section 311 in Chapter 3 of the Zoning Ordinance. The Disability Accommodation Committee will consider relevant public input relating to the disability accommodation application, when rendering their decision to the Department Director. This will allow for documented public input that is directed specific to the request, and constrain the ability for discriminating comments.
- Administrative Removal of Unlicensed Home/Center
The previous text amendment also added an administrative provision to allow staff to remove a registered facility that is no longer operating from the city's record of registrations and to provide applicants an option to facilitate the removal process in order to locate within the required separation area. This is proposed to remain; however, staff is recommending a longer time frame to evaluate the request from 3 days to 30 days.

Conclusion: The proposed text amendment addresses a federal mandate that people with disabilities cannot be discriminated against in their choice of housing. The proposed amendment along with the proposed license regulations for Structured Sober Living Homes are a comprehensive set of laws that address complicated social issue, and balances addiction/disability concerns of individuals within community residences/centers and minimizes the potential for negative impacts from such uses. The language does this by only allowing group homes and boarding houses with greater than five residents to be located in multifamily zoning districts with requirements, places limits on the ability of community residence homes/centers to locate adjacent to each other through the disability accommodation process, imposes limits on the number of individual multifamily units that can be used for one to five resident homes without meeting the community residence center regulations, provides the ability for effected parties to provide written comments during the disability accommodation process, and creates a Disability Accommodation Committee to make final decisions regarding disability accommodation requests. In addition, it cleans up terminology and regulations to be more consistent with how they are handled on a national basis. Importantly, the amendment also maintains the 1,320-foot separation requirement between community residence homes and adds that requirement to the larger centers that locate in multifamily zoning districts.

Staff recommends approval of the changes to the Zoning Ordinance as proposed in Exhibit A.

Writers

R. Escolar

1/31/2018

Exhibits

A. Proposed Language

B. Summary of Staff Recommendations

EXHIBIT A
Text Amendment Z-TA-6-17: Group Homes/Community Residences and associated uses and regulations

Proposed Language:

Amend Chapter 2, Section 202 (Definitions) to read as follows and alphabetize accordingly:

Adult Day Care Home: A residential home providing care for one to ten adult persons INDIVIDUALS for less than 24 hours per day and for compensation. An Adult Day Care Home shall be licensed by the State of Arizona, IF REQUIRED BY THE APPROPRIATE STATE AGENCY.

~~*Assisted Living Center:* A residential care institution that provides resident rooms, or residential units, to 11 or more persons with a disability or elderly persons. The facility provides, or contracts to provide, supervisory care services, personal care services, or directed care services on a continuous basis. An assisted living center shall be licensed by the State of Arizona.~~

~~*Assisted Living Home:* A dwelling unit shared as their primary residence by one to ten persons with a disability or elderly persons living together as a single housekeeping unit, where staff persons provide on-site care, training, or support for the residents. The facility provides, or contracts to provide, supervisory care services, personal care services, or directed care services on a continuous basis. An assisted living home shall be licensed by the State of Arizona.~~

BLOCK FACE: ONE SIDE OF THE PROPERTIES ALONG A STREET THAT ARE UNINTERRUPTED BY A STREET, FULLY DEDICATED ALLEY, OR OPEN SPACE/Common Area Tract 50 Feet or Greater in Width.

Boarding House: See "Group Home".
A RESIDENTIAL HOME OR BUILDING(S) FOR 6 OR MORE UNRELATED INDIVIDUALS USED TO PROVIDE LODGING FOR COMPENSATION. A BOARDING HOUSE IS OCCUPIED BY INDIVIDUALS WHERE RENT OR A LODGING FEE IS CHARGED SEPARATELY FOR THE INDIVIDUAL ROOMS OR PARTITIONED AREAS OCCUPIED BY THE RENTER OR OCCUPANT. INDIVIDUAL LIVING UNITS MAY OR MAY NOT BE EQUIPPED WITH KITCHEN FACILITIES; CONGREGATE DINING FACILITIES MAY BE PROVIDED FOR THE GUESTS. A BOARDING HOUSE IS NOT A COMMUNITY RESIDENCE HOME OR CENTER, HOTEL, MOTEL, RESIDENTIAL INN, OR BED AND BREAKFAST.

COMMUNITY RESIDENCE CENTER: A RESIDENTIAL CARE INSTITUTION ON A PROPERTY OR MULTIFAMILY DEVELOPMENT THAT PROVIDES RESIDENT ROOMS OR RESIDENTIAL UNITS TO 11 OR MORE INDIVIDUALS WITH DISABILITIES (ADULTS OR MINORS). THE FACILITY PROVIDES ON-SITE CARE, TRAINING OR SUPPORT, OR HABILITATIVE OR REHABILITATIVE SERVICES, RELATED TO THE RESIDENTS' DISABILITIES. THIS USE INCLUDES STRUCTURED SOBER LIVING HOMES THAT PROVIDE RESIDENT ROOMS OR RESIDENTIAL UNITS TO 11 OR MORE INDIVIDUALS. A COMMUNITY RESIDENCE CENTER SHALL BE LICENSED BY THE STATE OF ARIZONA OR THE CITY OF PHOENIX.

A COMMUNITY RESIDENCE CENTER ALSO INCLUDES MULTIFAMILY PROPERTY OR DEVELOPMENT WHERE THE PROPERTY OWNER OR OPERATOR OF THE MULTIFAMILY PROPERTY OR DEVELOPMENT RECEIVES PAYMENT FROM ENTITIES AUTHORIZED TO PROVIDE HEALTH CARE INSURANCE IN THE STATE OF ARIZONA FOR RESIDENTS LIVING IN MORE THAN TWO UNITS ON THE PROPERTY AND MORE THAN 20% OF THE TOTAL NUMBER OF UNITS ON THE MULTIFAMILY PROPERTY OR DEVELOPMENT.

COMMUNITY RESIDENCE HOME: EXCEPT AS REQUIRED BY STATE LAW, A COMMUNITY RESIDENCE HOME IS A RESIDENTIAL LIVING ARRANGEMENT FOR UP TO TEN UNRELATED INDIVIDUALS WITH DISABILITIES LIVING AS A SINGLE FUNCTIONAL FAMILY IN A SINGLE DWELLING UNIT WHO ARE IN NEED OF THE MUTUAL SUPPORT FURNISHED BY OTHER RESIDENTS OF THE COMMUNITY RESIDENCE HOME AS WELL AS THE SERVICES, IF ANY, PROVIDED BY THE STAFF OF THE COMMUNITY RESIDENCE HOME. RESIDENTS MAY BE SELF-GOVERNING OR SUPERVISED BY A SPONSORING ENTITY OR ITS STAFF, WHICH PROVIDES ON-SITE CARE, TRAINING OR SUPPORT, OR HABILITATIVE OR REHABILITATIVE SERVICES, RELATED TO THE RESIDENTS' DISABILITIES. A COMMUNITY RESIDENCE HOME SEEKS TO EMULATE A BIOLOGICAL FAMILY TO NORMALIZE ITS RESIDENTS AND INTEGRATE THEM INTO THE SURROUNDING COMMUNITY. ITS PRIMARY PURPOSE IS TO PROVIDE SHELTER IN A FAMILY-LIKE ENVIRONMENT; TREATMENT IS INCIDENTAL AS IN ANY HOME. SUPPORTIVE INTER-RELATIONSHIPS BETWEEN RESIDENTS ARE AN ESSENTIAL COMPONENT. A COMMUNITY RESIDENCE HOME SHALL BE CONSIDERED A RESIDENTIAL USE OF PROPERTY FOR PURPOSES OF THIS ZONING ORDINANCE. THE TERM DOES NOT INCLUDE ANY OTHER GROUP LIVING ARRANGEMENT FOR UNRELATED INDIVIDUALS WHO ARE NOT DISABLED NOR CORRECTIONAL TRANSITIONAL FACILITIES, OR RESIDENTIAL FACILITIES FOR SEX OFFENDERS. A COMMUNITY RESIDENCE HOME SHALL BE LICENSED BY THE STATE OF ARIZONA OR THE CITY OF PHOENIX.

~~Group Home: A residential HOME OR BUILDING(S) facility for 6 or more unrelated persons INDIVIDUALS providing living facilities, AND sleeping rooms, and meals; and which ALSO PROVIDES LIMITED SERVICES, SUCH AS, BUT NOT LIMITED TO MEALS, SERVICES TO PROMOTE EMOTIONAL SUPPORT, LIFE SKILLS DEVELOPMENT AND/OR EMPLOYMENT TRAINING have a permit issued by the appropriate government agency as a boarding house.~~

~~OXFORD HOUSE: A SELF-GOVERNED COMMUNITY RESIDENCE HOME FOR PEOPLE IN RECOVERY THAT IS PART OF OXFORD HOUSE, INC. AN OXFORD HOUSE PLACES NO TIME LIMIT ON RESIDENCY, OPERATES AS A DEMOCRATIC SYSTEM AND UTILIZES SELF-SUPPORT TO PAY ALL THE HOUSEHOLD EXPENSES. SANCTIONED BY CONGRESS, EACH OXFORD HOUSE IS OPERATED IN ACCORD WITH THE OXFORD HOUSE MANUAL© AND IS SUBJECT TO ANNUAL INSPECTIONS WHICH SERVE AS THE FUNCTIONAL EQUIVALENT OF THE LICENSING OF COMMUNITY RESIDENCE HOMES REQUIRED BY THIS ORDINANCE.~~

~~Residential Care Center: A residential care institution that provides resident rooms or residential units to 11 or more persons (adults or minors). The facility provides on-site care, training or support for the residents, as well as health and rehabilitative services to persons with behavioral health or developmental disabilities. A Residential Care Center shall be licensed by the State of Arizona.~~

~~Residential Care Home: A dwelling unit shared as a primary residence by one to ten persons (adults or minors) living together as a single housekeeping unit, in which staff persons provide on-site care, training or support for the residents. A residential care home shall be licensed by the State of Arizona.~~

~~Sober Living Home: Any premises, place or building that provides alcohol-free or drug-free housing, for individuals who are recovering from addiction. This does not include a private residence in which a related family member is required to receive outpatient behavioral health services for substance abuse or addiction treatment as a condition of continuing to reside in the family dwelling. A sober living home includes Structured Sober Living Home as defined in A.R.S. 9-500.40.C.~~

STRUCTURED SOBER LIVING HOME: ANY PREMISES, PLACE OR BUILDING THAT PROVIDES ALCOHOL-FREE OR DRUG-FREE HOUSING, PROMOTES INDEPENDENT LIVING AND LIFE SKILL DEVELOPMENT AND PROVIDES STRUCTURED ACTIVITIES THAT ARE DIRECTED PRIMARILY TOWARD RECOVERY FROM SUBSTANCE USE DISORDERS IN A SUPERVISED SETTING TO A GROUP OF UNRELATED INDIVIDUALS WHO ARE RECOVERING FROM DRUG OR ALCOHOL ADDICTION AND WHO ARE RECEIVING OUTPATIENT BEHAVIORAL HEALTH SERVICES FOR SUBSTANCE ABUSE OR ADDICTION TREATMENT WHILE LIVING IN THE HOME. THIS DOES NOT INCLUDE A PRIVATE RESIDENCE IN WHICH A RELATED FAMILY MEMBER IS REQUIRED TO RECEIVE OUTPATIENT BEHAVIORAL HEALTH SERVICES FOR SUBSTANCE ABUSE OR ADDICTION TREATMENT AS A CONDITION OF CONTINUING TO RESIDE IN THE FAMILY DWELLING.

Amend Chapter 3 to add new Section 311 Disability Accommodation Committee to read as follows:

311 DISABILITY ACCOMMODATION COMMITTEE.

- A. **RESPONSIBILITIES.** THE DISABILITY ACCOMMODATION COMMITTEE SHALL REVIEW DISABILITY ACCOMMODATION APPLICATIONS PURSUANT TO SECTION 701.E.3.B. AND RELEVANT PUBLIC INPUT RELATING TO THE DISABILITY ACCOMMODATION APPLICATION. THE COMMITTEE SHALL ISSUE A WRITTEN DECISION WITHIN 60 DAYS AFTER THE APPLICATION HAS BEEN DEEMED ADMINISTRATIVELY COMPLETE. AN APPLICATION IS NOT CONSIDERED ADMINISTRATIVELY COMPLETE UNTIL THE PUBLIC NOTICE REQUIREMENTS HAVE BEEN COMPLETED PURSUANT TO THE PLANNING AND DEVELOPMENT DEPARTMENT POLICY AND PROCEDURES ESTABLISHED FOR DISABILITY ACCOMMODATION REQUESTS. THE DECISION SHALL BE INCLUDED IN A REPORT WITH FINDINGS THAT ADDRESS THE FOLLOWING:
1. THE REQUESTING PARTY OR OCCUPANTS OF THE HOUSING FOR WHICH THE REQUEST IS MADE ARE PROTECTED UNDER THE FAIR HOUSING ACT AND/OR THE AMERICANS WITH DISABILITIES ACT BY DEMONSTRATING THAT THEY OR THE RESIDENTS OF THE PROPOSED HOUSING ARE INDIVIDUALS WITH DISABILITIES, AS DEFINED IN THIS ZONING ORDINANCE.
 2. THE PROPOSED DISABILITY ACCOMMODATIONS BEING SOUGHT ARE REASONABLE AND NECESSARY TO AFFORD THE SUBJECT INDIVIDUAL(S) WITH DISABILITIES AN EQUAL OPPORTUNITY TO USE AND ENJOY THE HOUSING THAT IS THE SUBJECT OF THE REQUEST.

3. A REQUEST FOR A DISABILITY ACCOMMODATION TO PERMIT MORE THAN TEN UNRELATED INDIVIDUALS TO OCCUPY A COMMUNITY RESIDENCE HOME MEETS THE STANDARDS FOR COMMUNITY RESIDENCE HOME AS DEFINED IN THIS ZONING ORDINANCE.
 - THE PRIMARY FUNCTION OF THE PROPOSED COMMUNITY RESIDENCE HOME IS RESIDENTIAL WHERE ANY TREATMENT IS MERELY INCIDENTAL TO THE RESIDENTIAL USE OF THE PROPERTY.
 - THE PROPOSED COMMUNITY RESIDENCE HOME EMULATES A BIOLOGICAL FAMILY AND OPERATES AS A FUNCTIONAL FAMILY RATHER THAN AS AN INSTITUTION, BOARDING HOUSE, NURSING HOME, SHORT TERM VACATION RENTAL, CONTINUING CARE FACILITY, MOTEL, HOTEL, TREATMENT CENTER, REHABILITATION CENTER, OR A NONRESIDENTIAL USE.
4. THE REQUESTED NUMBER OF RESIDENTS IN THE PROPOSED COMMUNITY RESIDENCE HOME WILL NOT INTERFERE WITH THE NORMALIZATION AND COMMUNITY INTEGRATION OF THE OCCUPANTS OF ANY EXISTING COMMUNITY RESIDENCE HOME, AND THAT THE HOME WILL MAINTAIN A RESIDENTIAL CHARACTER.

B. MEMBERSHIP. MEMBERS OF THE DISABILITY ACCOMMODATION COMMITTEE SHALL CONSIST OF FIVE MEMBERS COMPOSED AS FOLLOWS:

1. PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR, OR HIS OR HER DESIGNEE.
2. NEIGHBORHOOD SERVICES DEPARTMENT DIRECTOR, OR HIS OR HER DESIGNEE.
3. EQUAL OPPORTUNITY DEPARTMENT DIRECTOR, OR HIS OR HER DESIGNEE.

THE FOLLOWING MEMBERS SHALL BE APPOINTED BY THE MAYOR AND REMOVED BY THE MAJORITY VOTE OF THE CITY COUNCIL:

4. A REPRESENTATIVE FROM A CITY OF PHOENIX REGISTERED NEIGHBORHOOD ORGANIZATION.
5. A REPRESENTATIVE FROM THE COMMUNITY RESIDENCE HOME OR CENTER INDUSTRY.

- C. THE PLANNING AND DEVELOPMENT DIRECTOR SHALL APPOINT A COMMITTEE SECRETARY, ADOPT COMMITTEE PROCEDURES CONSISTENT WITH APPLICABLE ZONING ORDINANCE PROVISIONS, AND PROVIDE OTHER ADMINISTRATIVE SUPPORT FOR THE COMMITTEE.
- D. IF THE COMMITTEE DOES NOT ISSUE A DECISION WITHIN 60 DAYS AFTER THE APPLICATION HAS BEEN DEEMED ADMINISTRATIVELY COMPLETE, THE PLANNING AND DEVELOPMENT DIRECTOR MAY ISSUE A FINAL DECISION ON THE ACCOMMODATION REQUEST FILED PURSUANT TO THIS SECTION.

Amend Chapter 6, Section 603.A. (Suburban S-1 District—Ranch or Farm Residence) to read as follows and renumber section accordingly:

- ~~3.~~ Assisted living home; provided that:
 - a. ~~The home has no more than five residents, not including staff; or~~
 - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~
- 43. Residential care COMMUNITY RESIDENCE home, provided that:
 - a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
 - b. For a home with six to ten residents, not including staff, the following conditions shall apply:
 - 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.

- 2) ~~No assisted living, residential care, or sober living COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living COMMUNITY RESIDENCE home that has been registered with six to ten residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~
5. ~~Sober Living Home, provided that:~~
- a. ~~The home has no more than 5 residents, not including staff; or~~
 - b. ~~For a home with 6 to 10 residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No Assisted Living, Residential Care, or Sober Living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another Assisted Living, Residential Care, or Sober Living home that has been registered with 6 to 10 residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

Amend Chapter 6, Section 605.A. (Residential Estate RE-43 District—One-Family Residence) to read as follows and renumber section accordingly:

- 3. ~~Assisted living home; provided that:~~
 - a. ~~The home has no more than five residents, not including staff; or~~
 - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~

- 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~
43. ~~Residential care~~ COMMUNITY RESIDENCE home, provided that:
- a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
 - b. For a home with six to ten residents, not including staff, the following conditions shall apply:
 - 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
 - 2) ~~No assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home that has been registered with six to ten residents.
 - 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.
5. ~~Sober living home, provided that:~~
- a. ~~The home has no more than five residents, not including staff; or~~
 - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

Amend Chapter 6, Section 606.A. (Residential Estate RE-24 District—One-Family Residence) to read as follows and renumber section accordingly:

- 3. ~~Assisted living home; provided that:~~

- a. ~~The home has no more than five residents, not including staff; or~~
 - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~
43. Residential care COMMUNITY RESIDENCE home, provided that:
- a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
 - b. For a home with six to ten residents, not including staff, the following conditions shall apply:
 - 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
 - 2) No assisted living, residential care, or sober living COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living COMMUNITY RESIDENCE home that has been registered with six to ten residents.
 - 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.
5. ~~Sober living home, provided that:~~
- a. ~~The home has no more than five residents, not including staff; or~~
 - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~

- 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
- 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

Amend Chapter 6, Section 608. (Residence Districts) to read as follows and renumber/alphabetize section accordingly:

C. Permitted Uses.

Use	Permitted	Permitted With Conditions ⁽¹⁾	Use Permit And Conditions ⁽²⁾
Single-Family DU	X		
Governmental Uses	X		
Assisted Living Home		X	
Residential Care COMMUNITY RESIDENCE Home		X	
Sober Living Home		X	
BOARDING HOUSE		X	X
GROUP HOME		X	X
* * *			
1—6 Dependent Care Facility		X	
1—4 Adult Day Care Home		X	
Display for Sale of Vehicle		X	
Guestrooms		X	
Public Utility Buildings and Facilities		X	
Schools, Private		X	X
* * *			
5—10 Adult Day Care Home		X	X
Churches/Place of Worship		X	X
Construction Facilities and Storage		X	X

Home Occupations		X	X
Model Homes and/or Subdivision Sales Office		X	X
Nondaily Newspaper Delivery Service		X	X
Public Assembly—Residential		X	X
* * *			
7—12 Dependent Care Facility			X
Environmental Remediation Facility			X

D. Permitted Uses with Conditions.

2. ~~Assisted living home; provided that:~~
 - a. ~~The home has no more than five residents, not including staff; or~~
 - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

32. ~~Residential care~~ COMMUNITY RESIDENCE home, provided that:
 - a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
 - b. For a home with six to ten residents, not including staff, the following conditions shall apply:

- 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
- 2) No ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home that has been registered with six to ten residents.
- 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.

~~4. Sober living home, provided that:~~

- a. ~~The home has no more than five residents, not including staff; or~~
- b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

F. Permitted with a Use Permit Approval Pursuant to Section 307.

1. BOARDING HOUSE PERMITTED IN THE R-3, R-3A, R-4, R-4A, AND R-5 ZONING DISTRICTS, SUBJECT TO A USE PERMIT AND CONDITIONS AS OUTLINED IN EACH RESPECTIVE ZONING DISTRICT.
2. GROUP HOME PERMITTED IN THE R-3, R-3A, R-4, R-4A, AND R-5 ZONING DISTRICTS, SUBJECT TO A USE PERMIT AND CONDITIONS AS OUTLINED IN EACH RESPECTIVE ZONING DISTRICT.

Amend Chapter 6, Section 615.C. (R-3 Multifamily Residence District) to read as follows and renumber section accordingly:

2. BOARDING HOUSE, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
 - A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - B. NO BOARDING HOUSE SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER BOARDING HOUSE, GROUP HOME, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.

23. ~~Assisted living or residential care~~ COMMUNITY RESIDENCE center, subject to a use permit and the following conditions:
 - A. SUCH CENTER SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - B. NO COMMUNITY RESIDENCE CENTER SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
 - C. DISABILITY ACCOMMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
 - aD. A maximum lot coverage of 25 percent.
 - bE. A minimum of 100 square feet of usable outdoor open space per bed shall be provided.
 - eF. The lot shall only have vehicular access from an arterial or collector street.

34. Group home, subject to a use permit AND THE FOLLOWING CONDITIONS:-
 - A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.

- B. NO GROUP HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER GROUP HOME, BOARDING HOUSE, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.

Amend Chapter 6, Section 616.C. (R-3A Multifamily Residence District) to read as follows and renumber section accordingly:

- 2. BOARDING HOUSE, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
 - A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - B. NO BOARDING HOUSE SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER BOARDING HOUSE, GROUP HOME, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.

- 23. ~~Assisted living or residential care~~ COMMUNITY RESIDENCE center, subject to a use permit and the following conditions:
 - A. SUCH CENTER SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - B. NO COMMUNITY RESIDENCE CENTER SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
 - C. DISABILITY ACCOMMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
 - aD. A maximum lot coverage of 25 percent.
 - bE. A minimum of 100 square feet of usable outdoor open space per bed shall be provided.

- eF. The lot shall only have vehicular access from an arterial or collector street.
34. Group home, subject to a use permit AND THE FOLLOWING CONDITIONS:-
- A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - B. NO GROUP HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER GROUP HOME, BOARDING HOUSE, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.

Amend Chapter 6, Section 617.C. (R-4 Multifamily Residence District) to read as follows and renumber section accordingly:

- 2. BOARDING HOUSE, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
 - A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - B. NO BOARDING HOUSE SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER BOARDING HOUSE, GROUP HOME, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.

- 23. ~~Assisted living or residential care~~ COMMUNITY RESIDENCE center, subject to a use permit and the following conditions:
 - A. SUCH CENTER SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.

- B. NO COMMUNITY RESIDENCE CENTER SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
 - C. DISABILITY ACCOMMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
 - aD. A maximum lot coverage of 25 percent.
 - bE. A minimum of 100 square feet of usable outdoor open space per bed shall be provided.
 - eF. The lot shall only have vehicular access from an arterial or collector street.
34. Group home, subject to a use permit AND THE FOLLOWING CONDITIONS:-
- A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - B. NO GROUP HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER GROUP HOME, BOARDING HOUSE, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.

Amend Chapter 6, Section 618.D. (R-5 Multifamily Residence District) to read as follows and renumber section accordingly:

- ~~2. Assisted living center, subject to a use permit and the following conditions:~~
 - ~~a. A maximum lot coverage of 25 percent.~~
 - ~~b. A minimum of 50 square feet of usable outdoor open space per bed shall be provided.~~

- 6. BOARDING HOUSE, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:

- A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
- B. NO BOARDING HOUSE SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER BOARDING HOUSE, GROUP HOME, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.

8. COMMUNITY RESIDENCE CENTER, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:

- A. SUCH CENTER SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
- B. NO COMMUNITY RESIDENCE CENTER SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.

4012. Group Home, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:

- A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
- B. NO GROUP HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER GROUP HOME, BOARDING HOUSE, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.

18. ~~Residential care center, subject to a use permit and the following conditions:~~
- a. ~~A maximum lot coverage of 25 percent.~~
 - b. ~~A minimum of 50 square feet of usable outdoor open space per bed shall be provided.~~

Amend Chapter 6, Section 619.A. (Residential R-4A District—Multifamily Residence—General) to read as follows and renumber section accordingly:

4. ~~Assisted living center, subject to a use permit and the following conditions:~~
- a. ~~A maximum lot coverage of 25 percent.~~
 - b. ~~A minimum of 50 square feet of usable outdoor open space per bed shall be provided.~~

5. BOARDING HOUSE, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
- A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - B. NO BOARDING HOUSE SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER BOARDING HOUSE, GROUP HOME, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
6. COMMUNITY RESIDENCE CENTER, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:

- A. SUCH CENTER SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
- B. NO COMMUNITY RESIDENCE CENTER SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.

68. Group Home, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:

- A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
- B. NO GROUP HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER GROUP HOME, BOARDING HOUSE, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.

~~10. Residential care center, subject to a use permit and the following conditions:~~

- ~~a. A maximum lot coverage of 25 percent.~~
- ~~b. A minimum of 50 square feet of usable outdoor open space per bed shall be provided.~~

Amend Chapter 6, Section 620.B. (Residential Office R-O District—Restricted Commercial), to read as follows and renumber section accordingly:

~~2. Assisted living home; provided, that:~~

- a. ~~The home has no more than five residents, not including staff; or~~
 - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~
32. Residential care COMMUNITY RESIDENCE home, provided that:
- a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
 - b. For a home with six to ten residents, not including staff, the following conditions shall apply:
 - 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
 - 2) No assisted living, residential care, or sober living COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living COMMUNITY RESIDENCE home that has been registered with six to ten residents.
 - 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.
4. ~~Sober living home, provided that:~~
- a. ~~The home has no more than five residents, not including staff; or~~
 - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~

- 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
- 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

Amend Chapter 6, Section 622.D. (Commercial C-1 District – Neighborhood Retail) to read as follows and renumber section accordingly:

20. BOARDING HOUSE

76. GROUP HOME

Amend Chapter 6, Section 642. (Urban Residential (UR) District) to read as follows and renumber section accordingly:

C. Permitted uses.

1. **Primary uses.**

- a. ~~Assisted living home; provided that:~~
 - (1) ~~The home has no more than five residents, not including staff; or~~
 - (2) ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - (a) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - (b) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~

- (c) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~
- bA. ~~Residential care~~ COMMUNITY RESIDENCE home, provided that:
- (1) The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
 - (2) For a home with six to ten residents, not including staff, the following conditions shall apply:
 - (a) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
 - (b) No assisted living, residential care, or sober living COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living COMMUNITY RESIDENCE home that has been registered with six to ten residents.
 - (c) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.
- e. ~~Sober living home~~, provided that:
- (1) ~~The home has no more than five residents, not including staff; or~~
 - (2) ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - (a) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - (b) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - (c) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

Amend Chapter 6, Section 646. (Capitol Mall Overlay District) to read as follows:

F. Special Permit Uses.

1. Land in the CMO district may be used for the following purposes, subject to the procedures and standards of Section 504.1 regarding special permits.

- b. A group home, BOARDING HOUSE or rooming house shall be a minimum of 1,500 feet from another such home.

Amend Chapter 6, Section 647.A.1. (Special Permit Uses) to read as follows and renumber section accordingly:

- A. BOARDING HOUSE, PROVIDED THAT NOT MORE THAN TEN INDIVIDUALS SHALL OCCUPY A SINGLE DWELLING; FURTHER, NO MORE THAN TWO INDIVIDUALS SHALL OCCUPY EACH BEDROOM; AND SUBJECT TO THE FOLLOWING CONDITIONS:
 - (1) SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - (2) NO BOARDING HOUSE SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER BOARDING HOUSE, GROUP HOME, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.

- fG. Group home provided that not more than ten ~~persons~~ INDIVIDUALS shall occupy a single dwelling; further, no more than two ~~persons~~ INDIVIDUALS shall occupy each bedroom; AND SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
- (2) NO GROUP HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER GROUP HOME, BOARDING HOUSE, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.

Amend Chapter 6, Section 649. (Mixed Use Agricultural (MUA) District) to read as follows and renumber section accordingly:

C. Permitted Primary Uses. The following uses are permitted in accordance with the regulations and special standards established below.

6. ~~Assisted living home; provided that:~~
 - a. ~~The home has no more than five residents, not including staff; or~~
 - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

4443. ~~Residential care~~ COMMUNITY RESIDENCE home, provided that:
 - a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or

- b. For a home with six to ten residents, not including staff, the following conditions shall apply:
 - 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
 - 2) No ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home that has been registered with six to ten residents.
 - 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.

- 49. ~~Sober living home, provided that:~~
 - a. ~~The home has no more than five residents, not including staff; or~~
 - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
 - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
 - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
 - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

Amend Chapter 6, Section 658. (Deer Valley Airport Overlay (DVAO) District) to read as follows and renumber/alphabetize section accordingly:

- C. Regulation Areas: The DVAO District is divided into three separate regulation areas. When a parcel falls partially into one or more of the regulation areas, the most restrictive regulation area shall apply to the entire parcel.

2. Prohibited uses, Areas 2 & 3: Same as Area 1 and the following:

- c. ~~Assisted Living Home or Center~~ BOARDING HOUSE.

- E. COMMUNITY RESIDENCE HOME OR CENTER.

- H. GROUP HOME.

- m. ~~Residential care home or center.~~

- p. ~~Sober living home.~~

Amend Chapter 7, Section 701.E. (Separation Requirements—Registration) to read as follows:

E. Separation Requirements—Registration AND DISABILITY ACCOMMODATIONS

2. Establishment of registered use.

Establishment of a registered use shall be evidenced by and shall occur on the date a certificate of occupancy is issued for such use. Application for and issuance of a certificate of occupancy shall be according to the procedures established in the Construction Code. If, at the expiration of the time period specified in subsection 1 of this section, the registered use has been established, no other use which under the provisions of this ordinance is required to maintain a minimum separation from the registered use may subsequently be established closer to the registered use than the minimum distance prescribed by this ordinance.

- a. The applicant may provide evidence to the Planning and Development Department staff that a registered facility within the spacing requirements is no longer operating. The Planning and Development Department staff will verify the status of the facility within 30 business days and update the registered use documents.

3. **Request for a disability accommodation.**

- a. **ADMINISTRATIVE STAFF REVIEW.** An applicant may request a disability accommodation from a separation requirement if the requirement prohibits an ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home (“~~registered care home~~”) OR CENTER for a person with disabilities ~~on a lot~~. FOR THE PURPOSES OF DETERMINING CONFORMANCE FOR COMMUNITY RESIDENCE HOMES, ONLY OTHER COMMUNITY RESIDENCE HOME LOCATIONS SHALL BE CONSIDERED. ALL COMMUNITY RESIDENCE HOMES OR CENTERS THAT ARE CONSIDERED FOR DETERMINING CONFORMANCE WITH THIS SECTION SHALL BE WITHIN RESIDENTIAL ZONING DISTRICTS.

The Planning and Development Department Director’s designee may administratively approve such requests if there are no more than five ~~registered care~~ COMMUNITY RESIDENCE homes with six to ten residents OR CENTERS, within a one-half-mile area (2,640-foot radius), MEASURED IN A STRAIGHT LINE IN ANY DIRECTION, OF THE LOT LINES OF A PROPOSED COMMUNITY RESIDENCE HOME WITH SIX TO TEN RESIDENTS OR CENTER, EXCEPT THAT:-

~~A registered care home is not deemed within the one-half mile area if separated from the proposed lot by a natural or manmade barrier including, but not limited to, any of the following:~~

- (1) A COMMUNITY RESIDENCE HOME OR CENTER IS NOT DEEMED WITHIN THE ONE-HALF MILE AREA IF SEPARATED FROM THE PROPOSED COMMUNITY RESIDENCE HOME OR CENTER BY A NATURAL OR MANMADE BARRIER INCLUDING, BUT NOT LIMITED TO, ANY OF THE FOLLOWING:

- (1) (A) Arizona Canal,
Central Arizona Project Canal,
Elliot Canal,
Grand Canal,
Highline Canal,
Roosevelt Irrigation District Canal, and
Western Canal;
 - (2) (B) Municipal open space that is at least ten acres in size
(such as a park or golf course);
 - (3) (C) Railroad; or
 - (4) (D) Freeway.
- (2) NO MORE THAN ONE COMMUNITY RESIDENCE HOME OR CENTER MAY LOCATE ON THE SAME BLOCK FACE; ABUTTING TO THE REAR OR ABUTTING CATTYCORNER (INCLUDING LOTS SEPARATED BY AN ALLEY); OR ACROSS A STREET FROM A BLOCK FACE WITH A PROPOSED OR EXISTING COMMUNITY RESIDENCE HOME OR CENTER.

- b. **DISABILITY ACCOMMODATION COMMITTEE REVIEW.** If the above disability accommodation ADMINISTRATIVE APPROVAL CONDITIONS ARE ~~request is denied~~ NOT MET, the applicant may ~~appeal the denial to the~~ REQUEST FURTHER REVIEW BY THE DISABILITY ACCOMMODATION COMMITTEE ~~Planning and Development Department Director (“the Department Director”).~~ ADDITIONALLY, AN APPLICANT MAY REQUEST A DISABILITY ACCOMMODATION FROM ANY ZONING REQUIREMENT IF THE REQUIREMENT PROHIBITS A COMMUNITY RESIDENCE HOME, CENTER, OR ANY OTHER FORM OF HOUSING FOR INDIVIDUALS WITH DISABILITIES.

The applicant shall submit to the PLANNING AND DEVELOPMENT DEPARTMENT a written request for accommodation and the reason why the accommodation is required. The written request shall contain sufficient facts to allow the DISABILITY ACCOMMODATION COMMITTEE TO PROVIDE A DECISION TO THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR (“THE DEPARTMENT DIRECTOR”), ~~Department Director~~ to make an individualized determination of the proposed ~~registered care home’s~~ COMMUNITY RESIDENCE’S needs, to address the city’s safety and welfare concerns, and to assure compliance with this section.

THE APPLICANT SHALL COMPLY WITH THE PUBLIC NOTICE REQUIREMENTS PURSUANT TO THE PLANNING AND DEVELOPMENT DEPARTMENT POLICY AND PROCEDURES ESTABLISHED FOR DISABILITY ACCOMMODATION REQUESTS. PUBLIC NOTICE IS REQUIRED IN ORDER TO ALLOW THE OPPORTUNITY FOR NEIGHBORING PROPERTIES AND NEIGHBORHOOD ORGANIZATIONS TO PROVIDE RELEVANT PUBLIC INPUT RELATING TO THE DISABILITY ACCOMMODATION APPLICATION.

THE DISABILITY ACCOMMODATION COMMITTEE SHALL REVIEW THE WRITTEN REQUEST AND RELEVANT PUBLIC INPUT RELATING TO THE DISABILITY ACCOMMODATION APPLICATION. THE COMMITTEE SHALL PROVIDE A DECISION PER THE PROCEDURES OUTLINED IN SECTION 311. The Department Director shall review the ~~written request~~ DISABILITY ACCOMMODATION COMMITTEE DECISION and determine if:

- (1) ~~Whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and~~
THE REQUESTING PARTY OR OCCUPANTS OF THE HOUSING FOR WHICH THE REQUEST IS MADE ARE PROTECTED UNDER THE FAIR HOUSING ACT AND/OR THE AMERICANS WITH DISABILITIES ACT BY DEMONSTRATING THAT THEY OR THE RESIDENTS OF THE PROPOSED HOUSING ARE INDIVIDUALS WITH DISABILITIES, AS DEFINED IN THIS ZONING ORDINANCE.
- (2) ~~If so, the nature of the accommodation taking into consideration the requirements of the Fair Housing Act, public safety and welfare concerns, and the residential character of the neighborhood.~~
THE PROPOSED DISABILITY ACCOMMODATIONS BEING SOUGHT ARE REASONABLE AND NECESSARY TO AFFORD THE SUBJECT INDIVIDUAL(S) WITH DISABILITIES AN EQUAL OPPORTUNITY TO USE AND ENJOY THE HOUSING THAT IS THE SUBJECT OF THE REQUEST.
- (3) A REQUEST FOR A DISABILITY ACCOMMODATION TO PERMIT MORE THAN TEN UNRELATED INDIVIDUALS TO OCCUPY A COMMUNITY RESIDENCE HOME MEETS THE STANDARDS FOR COMMUNITY RESIDENCE HOME AS DEFINED IN THIS ZONING ORDINANCE.
 - THE PRIMARY FUNCTION OF THE PROPOSED COMMUNITY RESIDENCE HOME IS RESIDENTIAL WHERE ANY TREATMENT IS MERELY INCIDENTAL TO THE RESIDENTIAL USE OF THE PROPERTY.
 - THE PROPOSED COMMUNITY RESIDENCE HOME EMULATES A BIOLOGICAL FAMILY AND OPERATES AS A FUNCTIONAL FAMILY RATHER THAN AS AN INSTITUTION, BOARDING HOUSE, NURSING HOME, SHORT TERM VACATION RENTAL, CONTINUING CARE FACILITY, MOTEL, HOTEL, TREATMENT CENTER, REHABILITATION CENTER, OR A NONRESIDENTIAL USE.

- (4) THE REQUESTED NUMBER OF RESIDENTS IN THE PROPOSED COMMUNITY RESIDENCE HOME WILL NOT INTERFERE WITH THE NORMALIZATION AND COMMUNITY INTEGRATION OF THE OCCUPANTS OF ANY EXISTING COMMUNITY RESIDENCE HOME, AND THAT THE HOME WILL MAINTAIN A RESIDENTIAL CHARACTER.

The accommodation shall be made only to the extent necessary to comply with the Fair Housing Act. The ~~Planning and Development~~ Department Director's determination constitutes a final administrative action.

Amend Chapter 7, Section 702. (Off-Street Parking and Loading) to read as follows and alphabetize accordingly:

C. Parking Requirements.

Group Home OR BOARDING HOUSE	1 space per 2 resident beds
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Assisted Living and Residential Care COMMUNITY RESIDENCE Center, Nursing Home, Specialized Treatment Facility, STRUCTURED SOBER LIVING HOME (WITH MORE THAN TEN RESIDENTS), and Hospice	1 space per 2 resident/patient beds.
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STRUCTURED SOBER LIVING HOME (WITH SIX TO TEN RESIDENTS)	4 SPACES PER 1 DWELLING UNIT, 2 OF WHICH MAY BE LOCATED WITHIN THE REQUIRED FRONT YARD SETBACK.
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Amend Chapter 12, Section 1204. (Land Use Matrix) to read as follows and alphabetize accordingly:

C. The following shall apply to uses that are permitted with conditions (pc) as indicated with a number that corresponds with the Land Use Matrix in Section 1204.D:

DISPERSAL & ESTABLISHMENT OF A REGISTERED USE:

34. ~~Assisted living, residential care, and sober living~~ COMMUNITY RESIDENCE homes, subject to the following:
- a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
 - b. For a home with six to ten residents, not including staff, the following conditions shall apply:
 - 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
 - 2) No ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home that has been registered with six to ten residents.
 - 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.

D. **Land Use Matrix**

LAND USE CATEGORIES	CHARACTER AREAS
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	ACTIVE USE	BioMed	BC	Central Park	Commercial Corridor	Downtown Gateway	East Evergreen	Evans Church East	Evans Church West	McDowell Corridor	Roosevelt East	Roosevelt North	Roosevelt South	Townsend Park	Van Buren	Warehouse
Residential Uses																

Assisted Living Home		pe34	pe34	pe34	pe34	pe34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34
BOARDING HOUSE		PC4	PC4	SP, PC4, 20	PC4, 20	PC4	PC4	PC4	PC4	PC4, 20	PC4, 20	SP, PC4, 20	UP, PC4, 20	PC4, 20	PC4	PC4
COMMUNITY RESIDENCE HOME		PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34

Group Home		pc4	pc4	SP, pc4, 20	pc4, 20	pc4	pc4	pc4	pc4	pc4, 20	pc4, 20	SP, pc4, 20	UP, pc4, 20	pc4, 20	pc4	pc4

Residential Care Home		pe34	pe34	pe34	pe34	pe34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34
Sober Living Home		pe34	pe34	pe34	pe34	pe34	pe34	pe34	pe34	pe34	pe34	pe34	pe34	pe34	pe34	pe34

Health and Support Services																
Residential Care COMMUNITY RESIDENCE Center	x	p	p	sp	p	p	p	p	p	p	p	sp	up	p	p	p

Amend Chapter 13, Section 1306. (Land Use Matrix) to read as follows, and alphabetize accordingly:

TABLE 1306.1 LAND USE MATRIX

CATEGORY: RESIDENTIAL USES	T3	T4	T5:2	T5:3	T5:5	T5:6	T5:7	T6:7 T6:15	T6:22 T6:H WR

Assisted Living Home 1-10 residents	PC	PC	PC	PC	PC	PC	P	P	P
Assisted Living Center 11+ residents	NP	UP	UP	P	P	P	P	P	P
BOARDING HOUSE	NP	UP	UP	UP	P	P	P	P	P
COMMUNITY RESIDENCE HOME 1-10 RESIDENTS	PC	PC	PC	PC	PC	PC	P	P	P
COMMUNITY RESIDENCE CENTER 11+ RESIDENTS	NP	UP	UP	P	P	P	P	P	P

Group Home	UNP	UP	UP	UP	P	P	NP	NP	NP

Residential Care Home	PC	PC	PC	PC	PC	PC	P	P	P
1-10 residents									
Residential Care Center	NP	UP	UP	P	P	P	P	P	P
11+ residents									
Sober Living Home	PC	PC	PC	PC	PC	PC	P	P	P
1-10 residents									

C. Residential Uses, Land Use Conditions.

2. ~~Assisted Living, Residential Care, and Sober Living~~ COMMUNITY RESIDENCE Home.

- a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), Arizona Revised Statutes); or
- b. For a home with six to ten residents, not including staff, the following conditions shall apply:
 - 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
 - 2) No ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home that has been registered with six to ten residents.
 - 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.

Amend Chapter 13, Section 1307. (Parking standards) to read as follows:

TABLE 1307.1. MINIMUM REQUIRED VEHICULAR PARKING

USE	Measure	T3	T4	T5 1-5 stories	T5 6-10 stories	T6

<p>Assisted Living and Residential Care BOARDING HOUSE, COMMUNITY RESIDENCE Center; Group Home; STRUCTURED SOBER LIVING HOME (WITH MORE THAN TEN RESIDENTS); and Hospice</p>	<p>per bedroom</p>	<p>1</p>	<p>0.75</p>	<p>0.75</p>	<p>0.5</p>
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EXHIBIT B

Z-TA-6-17 GROUP HOMES/COMMUNITY RESIDENCES - SUMMARY OF STAFF RECOMMENDATIONS

CONCERN	PROPOSAL
Regulate all group homes for individuals with disabilities the same, including structured sober living homes.	<ul style="list-style-type: none"> - Replace assisted living home, residential care home, and sober living home with community residence home. - Replace assisted living center and residential care center with community residence center.
Group home definition does not capture all other group homes that do not fit within the definitions for assisted living, residential care, or sober living home.	<ul style="list-style-type: none"> - Update definition for group home to allow limited services, but not dependent on licensing. - Update definition for boarding house to distinguish apart from a group home. No services are provided.
Arizona Department of Health Services does not license all adult day care homes	Update definition for Adult Day Care Home.
Multifamily developments that are used exclusively to house individuals in recovery or in a behavioral health program.	<ul style="list-style-type: none"> - Update definition for group home to allow limited services, but not dependent on licensing. Reference multifamily property or development. - Update definition for boarding house to distinguish apart from a group home. No services are provided. Reference multifamily property or development. - Add registration and separation for community residence center, boarding house, and group home.
Half-mile area in the administrative disability accommodation provision is unclear.	Clarify that the half-mile area is measured from the property boundary of the proposed community residence.
Clustering within the half-mile area.	Add a condition that a community residence cannot be located on the same block face, abutting to the rear (including lots separated by an alley), or across the street from an existing or proposed community residence.
There is no reasonable accommodation provision to consider requests that are not related to spacing.	Add additional disability accommodation provision to consider requests that are not related to spacing – treat the same as an appeal request.
Concerns that the Department Director is currently the final decision maker on disability accommodation requests and there is no opportunity for public input as part of the disability accommodation review process.	<ul style="list-style-type: none"> - Add provisions for a Disability Accommodation Advisory Committee. - Add a public notice requirement for disability accommodation requests to the Disability Accommodation Advisory Committee and/or Department Director – property owners within 150 feet and registered neighborhood associations within 600 feet.
Parking requirements for assisted living homes are unclear.	Clarify and update parking requirements for community residence homes and centers.
Parking issues.	Update minimum parking standards for structured sober living homes (as defined by A.R.S. 9-500.40).